

# THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	<b>TANITA CORPORATION</b>	Date of Notification: Date: <u>27</u> Month: <u>02</u> Year: <u>2004</u>
Attorney:	<b>FENG GENGXUAN</b>	
Application No.:	<b>01121829.0</b>	
Title of the Invention:	<b>BIOELECTRICAL IMPEDANCE MEASURING APPARATUS</b>	

## Notification of the First Office Action

1. ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").  
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):  
filed in JP on Jun. 30, 2000, filed in \_\_\_\_\_ on \_\_\_\_\_,  
filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.  
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.  
☐ The application is a PCT continuation.
3. ☒ The applicant submitted amendments to the application on May 8, 2002 and on \_\_\_\_\_, wherein the amended \_\_\_\_\_ submitted on \_\_\_\_\_ and the amended \_\_\_\_\_ submitted on \_\_\_\_\_ are not acceptable, because said amendments do not comply with ☐Article 33 of the Patent Law.  
☐Rule 51 of the Implementing Regulations of the Patent Law.  
The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☐ Examination as to substance was directed to the initial application documents as filed.  
☒ Examination as to substance was directed to the documents as specified below:  
pages 1-6 of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on filing date,  
pages \_\_\_\_\_ of the description, claims 1-9 and pages \_\_\_\_\_ of the drawings submitted on May 8, 2002,  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_,  
the abstract and the figure for the abstract submitted on filing date.
5. ☐ This Notification is issued without search reports.  
☒ This Notification is issued with consideration of the search results.  
☒ Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	WO 0004826A	Date: <u>3</u> Month: <u>2</u> Year: <u>2000</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) \_\_\_\_\_ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☒ Claim(s) 1 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 2-9 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 4 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 26 pages. ☐

Examination Dept. \_\_\_\_\_ Examiner: \_\_\_\_\_

Seal of the Examination Department

## Text Portion of the First Office Action

As described in the specification, the present application relates to a bioelectrical impedance measuring apparatus. After examination, the examiner comes to the following comments:

1. Claim 1 has no novelty as set forth in Article 22, paragraph 2 of the Chinese Patent Law.

Claim 1 seeks to protect a bioelectrical impedance measuring apparatus. Reference 1 discloses a body fat meter, wherein (from line 14 of page 5 to line 17 of page 12 of the specification, and figures 1, 4) discloses the following technical features: function keys such as a selection key and up/down keys, etc. (figure signs 5, 6, 7, in accordance with the personal information input unit for inputting personal data in claim 1), wherein the selection key for selecting personal data item, up/down keys for increasing or decreasing the amount of data while inputting personal data; a group of electrodes, comprising four electrodes (figure signs 1a, 2a, 1b, 2b), for obtaining the impedance of the body (in accordance with the plurality of electrodes for measuring bioelectrical impedance in claim 1); a memory (figure sign 21) for storing the personal information inputted by the function keys (implicitly discloses at least one memory area for storing said personal data in claim 1); a central control unit (figure sign 22); and each electrode shares the same keys with the operation, for example, the up/down keys serve as both the operation key for inputting personal data and the electrodes for measuring the body impedance (in accordance with the control device in claim 1, for storing personal data in said memory area when any of said electrodes is touched). It can be seen that, Reference 1 discloses all the technical features of claim 1, both fall into identical technical field (both relate to a bioelectrical impedance measuring apparatus) with identical technical effect (both simplify the measuring apparatus). Therefore, claim 1 has no novelty over Reference 1.

2. Claims 2 and 3 have no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claims 2 and 3 further define claim 1. Reference 1 discloses that the memory for storing personal information and the electrodes for measuring impedance may also serve as the operation keys for personal information, upon this, the control device obtains personal data from the memory area when any of said electrodes is touched if possible, or retrieves said personal data from said memory area when any of electrodes is touched, said disclosure is a common means in the field. Therefore, when claim 1 has no novelty over Reference 1, claims 2 and 3 have no inventiveness over Reference 1.

3. Claims 3 and 4 have no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claims 4 and 5 are different from claims 2 and 3 in that, said memory area is a memory in accordance with the selected electrode. Reference 1 discloses that, the memory for storing personal information and the electrodes for measuring impedance may serve as the personal information operation keys, to store personal information for a plurality of

users, it is not difficult for those skilled in the field to use the selected measuring electrodes to input specific personal information and store it in the memory area in accordance with the specific electrodes in the memory. Therefore, when claims 2 and 3 have no inventiveness over Reference 1, claims 4 and 5 have no inventiveness over Reference 1.

4. Claim 6 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claim 6 includes the additional technical features as follow: it further comprises a power switch device responsive to a touch to any one of said electrodes for turning power on. Reference 1 discloses that, the electrodes for measuring impedance may serve as the personal information operation keys for simplifying the measuring apparatus, upon this, to further simplify the apparatus, it is obvious to enable the measuring electrodes to serve as the power touch key arranged with a power switch device responsive to a touch to any one of said electrodes for turning power on. Therefore, when claim 1 has no novelty over Reference 1 and claims 2-5 have no inventiveness over Reference 1, claim 6 has no inventiveness over Reference 1.

5. Claim 7 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claim 7 includes the additional technical features as follow: it further comprises a weight scale and a display, said control device being responsive to the inputting of a predetermined number in place of the height via said personal data input unit for permitting said weight scale to measure the weight alone and for permitting said display to show the so measure weight alone. To omit the professional weight/fat selection key, it is a common means to input a predetermined number in the personal data so that the apparatus only measures and displays the weight. Therefore, when claim 1 has no novelty over Reference 1 and claims 2-6 have no inventiveness over Reference 1, claim 7 has no inventiveness over Reference 1.

6. Claim 8 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claim 8 includes the additional technical features as follow: “a bioelectrical impedance measuring circuit, “a touch-sensitive switch circuit” and “a mode switching device”. The first additional technical feature is an essential feature for all the bioelectrical impedance measuring apparatuses, which is common knowledge; associated with the latter additional technical features, Reference 1 discloses that, to input personal information for a plurality of users, it is not difficult for those skilled in the field to use the selected measuring electrodes to input specific personal information, and correspondingly using a touch switch circuit to input specific personal information in response to the touch of the electrodes, and a mode switching device which switches the electrode between the two function of measuring bioelectrical impedance and waiting for the input of personal information, which is obvious associated with the electrodes serving as both electrodes for measuring impedance and keys for inputting the specific personal information. Therefore, when claim 1 has no novelty over Reference 1 and claims 2-7 have no inventiveness over

Reference 1, claim 8 has no inventiveness over Reference 1.

7. Claim 9 has no inventiveness as set forth in Article 22, paragraph 3 of the Chinese Patent Law.

Claim 9 includes the additional technical features as follow: said control device includes an internal timer; and said control device switches the touch-sensitive switch circuit and shuts power off after measurement for a predetermined length of time. To save electricity in idle time, it is a common means for those skilled in the field to use an internal timer to shut power off before the operation time of the apparatus does exceed a predetermined length of time. Therefore, when claims 4-8 have no inventiveness over Reference 1, claim 9 has no inventiveness over Reference 1.

Due to the reasons above, claim 1 of the present application has no novelty, claims 2-9 have no inventiveness, meanwhile the specification does not disclose any substantial content that can be granted, therefore, the present application has no prospect to be granted. If the applicant cannot provide sufficient reasons with four-month time limit as directed in the Office Action that, the present application has inventiveness, the present application shall be rejected.

## **Articles and Rules Cited by the Examiner in this Office Action**

**Article 22.** Any invention or utility model for which patent right may be granted must possess novelty, inventiveness and practical applicability.

Novelty means that, before the date of filing, no identical invention or utility model has been publicly disclosed in publications in the country or abroad or has been publicly used or made known to the public by any other means in the country, nor has any other person filed previously with the Patent Administration Department Under the State Council an application which described the identical invention or utility model and was published after the said date of filing.

Inventiveness means that, as compared with the technology existing before the date of filing, the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

Practical applicability means that the invention or utility model can be made or used and can produce effective results.